IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 14503 of 2005

Between:

1 Sathu Narasimhulu, S/o. Sathu Ramaiah,
R/o. Gudimallam Village, Yerpedu Mandal, Chittoor District.
2 Chitteeti Munirathanm, S/o. Rangaiah,
R/o. Gudimallam Village, Yerpedu Mandal, Chittoor District.

..... PETITIONER(S)

AND

1 The District Collector, Chittoor District, Chittoor.
2 The District Panchayat Officer, Chittoor, Chittoor District.
3 The Mandal Development Officer, Yerpedu Mandal, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in not taking any steps against the Appeal preferred by the 1st petitioner before the 1st respondent and proceeding with the Gudimallam Gram Panchayat Elections in pursuance of the notification issued in Roc.No.1423/2004/A-5(Pts), dt. 28.6.2005 is illegal, arbitrary, unconstitutional and violation of Articles 14 and 21 of the constitution of India and also contrary to the provisions of A.P. Gram Panchayat Act, 1994 and G.O.Ms.No.899 and 913, Panchayat Rural Development and Reliefs (Elects-I) Department dt. 10.12.1999 and 21.12.1994.

Counsel for the Petitioner:MR.P.JAGADISH CHANDRA PRASAD

Counsel for the Respondent Nos.1 to 3: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court at the admission stage made the following O R D E R:

The case of the petitioners is that they are the residents of Gudimallam village, which is a separate Gram Panchayat, and they belong to Scheduled Caste Community. The post of Sarpanch was declared reserved for S.T. candidates during the elections held in the year 2001 for Gudimallam Gram Panchayat in the Yerpedu Mandal. As there is no voter/elector or resident of S.T. candidate in the villages constituted under Gudimallam Gram Panchayat, the post of the Sarpanch of the said Gram Panchayat has been kept vacant. During the recent Assembly elections, tribal voters, who are the residents of the Reddignta village of Gundlakandriga Panchayat, had been included, without making notice of publication of the Electoral roles in Form No.1, and, therefore, the first petitioner took an objection stating that the tribal voters are not the residents of Gudimallam village and made a complaint to respondents and also to the Mandal Revenue Officer on 03.03.2005. Since the respondents had not taken any action on the complaint dated 03.03.2005, the petitioners preferred an appeal to the first respondent. The grievance of the petitioners is that the respondents without passing any orders on the appeal have issued notification dated 28.06.2005 to conduct elections to the left over vacancies for the post of Sarpanch and 7th Ward member of Gudimallam Gram Panchayat of Yerpedu Mandal, Chittoor District. Hence this writ petition.

Heard the learned counsel for the petitioners and the learned Government Pleader for Panchayat Raj and Rural Development.

Since the election notification has already been published and in pursuance of the same, nominations have already been filed, I see no reason to entertain this writ petition.

Accordingly, the writ petition is dismissed at the stage of admission. No

costs.

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07.07.2005

usd

To

1 The District Collector, Chittoor District, Chittoor.
2 The District Panchayat Officer, Chittoor, Chittoor District.
3 The Mandal Development Officer, Yerpedu Mandal, Chittoor District.

4 Two CCs to G.P. for Panchayat Raj and Rural Development, High Court of A.P., Hyderabad (OUT).

5 Two CD copies.